

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/28/08 have been fully considered but they are not persuasive as indicated below. First of all, what the applicant arguing in the last paragraph linking pages 10 and 11 of the paper filed 2/28/08 are not in the claim. Secondly, the applicant argument in the paragraph starting in line 6 of page 11 appears to be contradictory with the applicant's assertion in the paragraph linking pages 10 and 11.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 21, 37, 51, 53, 55, 57 and 59 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new limitations "which is filled with the ink without involving air" in line 6 of claim 21 and "an introduction of air into the ink guiding feed" in lines 10-11 of claim 59 constitute a process which were not disclosed in the original specification. Accordingly, they are considered as new matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21, 37, 51, 53, 55, 57 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirita in view of Takanashi et al. (hereinafter Takanashi) and Madaus et al. (hereinafter Madaus) as set forth in the previous office action.

The Kirita ink guiding feed defined by a hollow tubular body (see Fig. 1, col. 6, line 11 et seq., and col. 5, line 64 et seq.). The ink occlusion body and the pen tip of Kirita have capillary force for the ink. The ink occlusion body and the pen tip of Kirita would inherently filled with the ink without involving air or introduce air into the ink guiding feed through the visible portion of the barrel in view of Takanashi.

Specification

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. The disclosure is objected to because of the following informalities: on page 21, line 23: "(h)" should be --(c)--.

Appropriate correction is required.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan Nguyen/
Primary Examiner, Art Unit 3751

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